

SUSAN COLUCCI

v.

STEPHEN COLUCCI et al.

Submitted on Briefs May 12, 2020
Decided May 28, 2020

Panel: MEAD, GORMAN, JABAR, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Susan Colucci appeals from a judgment of the Superior Court (Cumberland County, *Mills, J.*) dismissing her complaint against Stephen Colucci, Trillium Place Builders, LLC (TPB), and Trillium Builders, Inc (TBI). Susan argues that the court erred and abused its discretion in dismissing her complaint and that the court abused its discretion in denying her motion for reconsideration and in awarding attorney fees.

Contrary to Susan's argument, we conclude that the court properly dismissed the complaint. *See Geary v. Stanley*, 2007 ME 133, ¶¶ 14-16, 931 A.2d 1064. *See generally Ahern v. Ahern*, 2008 ME 1, ¶ 22, 938 A.2d 35. We also conclude that the court did not abuse its discretion in denying Susan's motion for reconsideration. *See Shaw v. Shaw*, 2003 ME 153, ¶¶ 7-8, 839 A.2d 714. The court went beyond its discretion, however, in awarding Stephen, TPB, and TBI the attorney fees they incurred in reviewing and responding to that motion. *See Baker v. Manter*, 2001 ME 26, ¶¶ 12-17, 765 A.2d 583 ("The trial court's authority to sanction parties and attorneys for abuse of the litigation process should be sparingly used and sanctions imposed only when the abuse of process by parties or counsel is clear." (emphasis omitted) (quotation marks

omitted)). Accordingly, we affirm the judgment, except the award of attorney fees.

The entry is:

The portion of the judgment awarding attorney fees is vacated. In all other respects, the judgment is affirmed.

Dana E. Prescott, Esq., Prescott Jamieson Murphy Law Group, LLC, Saco, for appellant Susan Colucci

Brendan P. Rielly, Esq., Jensen Baird Gardner & Henry, Portland, for appellee Stephen Colucci et al.